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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,573	09/30/2003	Eduard Dexheimer	Q77779	1622
23373	7590	09/01/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			THOMAS, ALEXANDER S	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,573

Applicant(s)

DEXHEIMER ET AL.

Examiner

Alexander Thomas

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,28-30,32,34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22,24,25,28-30,32,34 and 35 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21, 24, 25, 28-30, 32, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spraragen 2,347,158 in view of Spraragen 2,767,444. The primary reference discloses the invention substantially as claimed, namely a welt for positioning between adjacent components comprising a welt core 20 of sponge rubber, a film 22 covering the welt core, and a welt flap 21 laterally protruding from within the welt core wherein the welt core 20 is made from a flexible material and the flap 21 from a relatively stiff material; see page 1, right column, lines 1-13 and 33-40, and page 2, left column, lines 61-67. However, the primary reference's product does not include a fastener element on the welt flap or the claimed welt cover materials. The secondary reference discloses a similar welt wherein the welt flap may include fastening elements of a variety of shapes projecting therefrom; see the Figures. It would have been obvious to one of ordinary skill in the art to provide the welt of the primary reference with projecting elements as suggested in the secondary reference to enable attachment of the welt to different shaped substrates. Concerning the type of welt covering, the primary reference discloses that the use of leather as a welt cover is old in the art; see page 1, left column, lines 14-25. Therefore, it would have been obvious to one of

ordinary skill in the art to use leather as a covering material on the welt of the primary reference, as suggested in the primary reference, if one could tolerate the bunching of the cover at curves having a short radius or one intended to use the welt in applications that did not require bending the welt. Regarding the various shapes of the claimed welt flaps and fastening elements, such as in claims 7-17, the secondary reference discloses that the specific shape of the fastening element depends on the mounting member with which the device is to be used; see column 3, lines 32-34. Therefore, it would have been obvious to one of ordinary skill in the art to shape the fastening elements in the prior art product in any specific shape depending on the substrate with which it is to be used in view of the suggestion in the secondary reference. With respect to claim 32, it would have been obvious to one of ordinary skill in the art to form a complete ring with the welt of the primary reference depending on the shape of the substrates to be sealed. The primary reference also discloses what may be considered a second fastening element or clip 10-10c that may be coupled to the welt (claims 34 and 35); see Figures 10-13.

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spraragen 2,347,158 in view of Spraragen 2,767,444 as applied to claims 1-21, 24, 25, 28-30, 32, 34 and 35 above, and further in view of Bradley et al 2,566,282. Bradley et al discloses that it is well-known to provide a welt with cut-outs 26 (i.e. recesses) so as to decrease wrinkling when the welt is applied along a curved path; see column 3, lines 10-18. It would have been obvious to one of ordinary skill in the art to use recesses in

the welt of the primary reference, as taught in Bradley et al, in order to decrease wrinkling of the welt when applied along a curved path.

Allowable Subject Matter

4. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

A handwritten signature in black ink, appearing to read "Alexander S. Thomas".

ALEXANDER S. THOMAS
PRIMARY EXAMINER